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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<p>THE CLOROX COMPANY, a Delaware corporation,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>SSARM INCORPORATED, a New York corporation; JADE TRADING CORPORATION dba WARBIES DEALS, a New Jersey entity; MACBY S., a New Jersey entity;</p>	<p><b>CIVIL ACTION NO. 2:23-cv-04122- ZNQ</b></p> <p><b>PLAINTIFF THE CLOROX COMPANY’S <i>EX</i> <i>PARTE</i> APPLICATION FOR TEMPORARY RESTRAINING ORDER, ORDER TO DISABLE DEFENDANTS’ LISTINGS, ASSET RESTRAINING ORDER, EXPEDITED DISCOVERY</b></p>
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LAVONNA’S PLACE LLC DBA LAVONNA’S PLACE, a Colorado limited liability company; and DOES 1- 100,  Defendants.	<b>ORDER, AND ORDER TO SHOW  CAUSE FOR PRELIMINARY  INJUNCTION</b>
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Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, Local Civil Rule 65.1 of the United States District Court for the District of New Jersey, and the federal Trademark Act, 15 U.S.C. §§ 1114, 1116(d) and 1125, Plaintiff The Clorox Company (“Clorox”) hereby applies to this Court, *ex parte*, for a temporary restraining order to enjoin Defendants’ SSARM Inc.; Jade Trading Corp. dba Warbies Deals; Macby S.; Lavonna’s Place LLC dba Lavonna’s Place; and Does 1-100 (collectively “Defendants”) unauthorized use of marks identical to registered trademarks owned by Clorox in connection with the advertising, offering for sale, sale and distribution of falsely advertised products (the “Counterfeit Products”). Clorox further applies to this Court for an order to show cause for preliminary injunction, an order to disable Defendants’ listings, an order restraining Defendants’ assets, and an order for expedited discovery.

In support of this Application, Clorox submits herewith a Complaint; a supporting Memorandum of Law; supporting declarations of Stephen Klarich, Deborah Crandall, and Maya Clark; and a Proposed Order. In further support of this Application, Clorox states:

1. As more fully set forth in Clorox's Complaint, Clorox is a famous household cleaning product company, and is the exclusive owner of numerous trademark registrations worldwide for the CLOROX® trademark and CLOROX Diamond Logo Mark – and a variety of trademarks that incorporate these marks.

2. It has recently come to Clorox's attention that Defendants are selling materially different versions of CLOROX® Disinfecting Wipes, intentionally misrepresenting the packaging to consumers, and thus engaging in false advertising and counterfeiting of Clorox's registered marks as set out fully in the Complaint and filed herewith. Defendants' products are entirely unauthorized and are materially different than the genuine Clorox products that Defendants falsely advertise.

3. The Proposed Order is authorized by the federal Trademark Act, 15 U.S.C. §§ 1114 and 1116(a).

4. There is a strong probability that Clorox will prevail on the merits of its claims of trademark counterfeiting and infringement, false advertising, and unfair competition. Defendants' actions have caused and will continue to cause consumer confusion and actual deception.

5. The threat of irreparable harm to Clorox is clear and substantial. Clorox will suffer immediate and irreparable injury if the Counterfeit Products and records relating to the sale thereof are not enjoined because (a) Clorox will lose

sales of its genuine and fairly advertised goods, which sales cannot be recovered; (b) Clorox will lose its ability to control its goodwill and reputation embodied by and associated with its marks; (c) Defendants' Counterfeit Products are materially different from the genuine Clorox products they advertised, and therefore Clorox will suffer injury to its reputation due to the sale of the Counterfeit Products; and (d) Clorox will have no remedy at law against Defendants because Clorox will have no way of learning all of the Defendants' identities who are participating in this counterfeiting ring or the volume of Defendants' sales of Counterfeit Products. Issuance of the requested temporary restraining order is in the public interest to protect the public against confusion, deception, and mistake.

6. The harm to Clorox of denying this Application outweighs the harm to the legitimate interest of Defendants. Defendants have no right to sell the Counterfeit Products bearing Clorox's marks. Furthermore, Clorox will be irreparably harmed by Defendants' conduct if the requested Order is denied.

7. Notice of Clorox's Application was not provided to Defendants because such notice would likely cause Defendants to destroy, move, or hide their Counterfeit Products and destroy the records related to the sale and sourcing thereof, or otherwise make that merchandise and those records inaccessible to this Court and Clorox.

8. An *ex parte* temporary restraining order is necessary to achieve the

purposes of 15 U.S.C. §§ 1114, 1125(a), and to protect the public from Defendants' Counterfeit Products, and to protect Clorox from immediate irreparable injury. No other order is adequate to achieve this purpose.

9. Clorox has complied with all statutory requirements necessary for the issuance of a temporary restraining order under 15 U.S.C. § 1116(a).

For all the foregoing reasons, Clorox respectfully requests that its *ex parte* application for a TRO, preliminary injunction, order disabling Defendants' listings, order restraining assets, and order for expedited discovery be granted in all respects.

Dated: August 4, 2023

Respectfully submitted,

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